

APPENDIX "A"

A chronological sequence of events as to this problem is as follows:

- March 3, 1893 - the lands in question (sec. 13, T. 13 N., R. 11 W., NMPM) patented to AT&SF RR.
- February 3, 1933 - this section was reconveyed to the U.S. by the Santa Fe Pacific railroad under act of March 3, 1921.
- September 1, 1939 - Departmental Order (which superceded a 1931 Order) withdrew this section, (among others) in aid of legislation to adjust Navajo Indian land matters in New Mexico.
- November 26, 1950 - Haystack Nos. 1-12 unpatented mining claims located in this section.
- May 8, 1951 - Haystack Nos. 1-20 unpatented mining claims in this section.
- January 8, 1953 - AEC Application for withdrawal of this section, and others, filed with BLM in Santa Fe segregating the lands under NM-010206.
- May 13, 1954 - PLO 964 issued by Interior Department formally reserving part of this section (S²N² and SE⁴) for AEC use.
- August 11, 1955 - GJ Manager requested BLM to determine validity of Haystack claims and others.
- August 17, 1955 - Mr. Bibb advised by letter from GJ Manager that BLM had been requested to determine validity of these claims.
- October 11, 1955 - BLM agreed to determine validity of these claims.
- November 18, 1955 - Mr. Bibb shipped 11.049 tons of ore (dry weight) to Grants under LPI liquidation No. 1072 from Haystack No. 2 (full payment in amount of \$299.63 held in escrow).
- February 16, 1956 - Notice of Contest involving Haystack claims and others issued by BLM to Mr. Bibb.
- February 1956 - Mr. Bibb's answer to contest argued that 1939 withdrawal was void.
- November 21, 1956 - BLM Santa Fe Land Office Manager issued decision in Contest Nos. NM-30, 31, 32, 33, & 37 that Haystack claims, among others, were void ab initio.

Appendix "A" (Continued)

- November 26, 1956 - Mr. Bibb shipped 40.206 tons of ore (dry weight) to Grants under LPI liquidation No. 2425 from Haystack No. 2. (full payment in amount of \$456.62 held in escrow).
- December 6, 1956 - Mr. Bibb advised by letter from Director, Mining Division, GJ that settlement for ores previously shipped must await final determination by Interior or the courts as to validity of Haystack claims.
- December 1956 - Mr. Bibb's attorneys file appeal and briefs to Director, BLM, within thirty days after Managers decision of November 21, 1956.
- May 2, 1957 - Mr. Bibb visits GJ and advises John X. Combo, AEC Attorney, and other AEC personnel, that his attorneys advise him that the 1939 withdrawal is void and that he intends to mine and ship ore from Haystack No. 2.
- August 1958 - Mr. Bibb shipped 267.392 tons of ore (dry weight) to Homestake from Haystack No. 2.
- August 14, 1958 - Mr. Bibb and attorney meet R. H. Toole, I. M. Gay, and Alex Speal of AEC near property and Mr. Bibb states his purpose in mining is to speed decision on his appeal in BLM.
- November 17, 1958 - BLM Director's decision affirms Santa Fe Land Office Manager's decision that these claims are null and void; as the Director's decision was approved the same day by Assistant Secretary of Interior it became a final Interior decision under 43 CFR 221.31.
- February 9, 1959 - GJ provided a copy of the November 17, 1958 decision and advised by BLM Director that damages after issuance of PL0 964 in 1954 would be for concern of AEC.
- February 19, 1959 - GJ Manager asks BLM in Santa Fe about damages in this case.
- May 28, 1959 - BLM Santa Fe advises GJ that AEC should undertake to collect damages for all ores shipped from Haystack No. 2.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Land Office
P.O. Box 1251
Santa Fe, New Mexico

In Reply Refer to:
Contest NM #30, et al

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 21, 1956

DECISION

Paralee Hutton	:	Contest NM #30
J. T. Hutton	:	31
Alfred Hutton	:	32
Glenn D. Williams	:	33
Volton Tietjen	:	37
Theressa Tietjen	:	
Edith A. Williams	:	
F. A. Sitton	:	
Arthur Bibb	:	
 Roy L. Cook	 :	
 Joe Vandever	 :	
Bessie Vandever	:	
Fidel & Rouse, Inc.	:	
Abram Dominguez	:	
John N. Fidel	:	
C. M. Rouse	:	

Mining Claims Declared Null and Void Ab Initio

On February 16, 1956, Notice of Contest NM #30, involving Haystack 1 through 12, and Haystack 1 through 20 mining claims, issued to Paralee Hutton, J. T. Hutton, Alfred Hutton, Glenn D. Williams, Volton Tietjen, Theressa Tietjen, Edith A. Williams, F. A. Sitton, and Arthur Bibb; Notices of Contests NM #31 involving Snow Flake Mining Claims 1 and 2, NM #32 involving Hillside Mining Claims Nos. 1, 2, 3, and NM #33 involving North Star Mining Claims Nos. 1 through 12, issued to Roy L. Cook; and Notice of Contest NM #37, involving Cornpatch Mining Claims Nos. 1 through 6, issued to Joe Vandever, Bessie Vandever, Fidel & Rouse, Inc., Abram Dominguez, John N. Fidel, and C. M. Rouse. Each Notice stated the following charges:

"The aforementioned mining claims are null and void ab initio for the reason that the lands embraced therein were reconveyed to the United States under the Act of March 3, 1921 (41 Stat. 1225) and are temporarily withdrawn from all forms of entry under the mining, homestead, or Indian allotment and homestead laws by orders of the Secretary of the United States Department of the Interior, dated July 8, 1931 and September 1, 1939, pursuant to the authority found in Section 4 of the Act of March 3, 1927 (44 Stat. 1347)."

Each Notice indicated that it had been issued by authority of the State Supervisor's memorandum of December 13, 1955.

The contestees, individually and through Counsel, waived Hearing, and requested the Manager's decision, based on the facts in the record. Contestee Arthur Bibb submitted an affidavit stating that the Haystack 1 through 12 Claims, the Haystack 1 through 20 Claims, and Cornpatch 1 through 6 Mining Claims had been properly located prior to the AEC withdrawal and occupancy thereof had been wholly in accordance with the United States Mining Laws, including the performance of annual assessment work; that the Indian Service had asserted jurisdiction over the lands embraced in the mining claims by posting notices stating that the lands were withdrawn from all forms of entry under Circular 1284, dated August 3, 1932 and Department Order of September 1, 1939, in aid of legislation to adjust Navajo Indian land matters in New Mexico, and that the orders were still in effect so mining claims purportedly staked on the subject lands were illegal and void, and the claimants were warned to file disclaimers with the appropriate County Recorder or face action by United States Attorney; that such action by the Indian Service was such as can be done only on Indian Reservations; that the orders of withdrawal were and are invalid and the lands in question are public domain open for mining location.

The records of McKinley County, New Mexico, show that notices of location of the Haystack Claims, Nos. 1 through 12, dated November 26, 1950, were recorded November 27, 1950; that notices of location of the Haystack Mining Claims 1 through 20, dated May 8, 1951, were recorded May 11, 1951; that notices of location of Snow Flake Mining Claims 1 and 2, dated January 2, 1952, were recorded January 3, 1952; that notices of location of the Hillside mining claims Nos. 1, 2, and 3, dated January 23, 1952, were recorded January 24, 1952; that notices of location of the North Star Mining claims 1 through 12, dated February 20, 1952, were recorded April 21, 1952; and that notices of location of Cornpatch mining claims 1 through 6, dated March 28, 1951, were recorded March 30, 1951. Each of the claims is

The records of the Land Office, Bureau of Land Management, Santa Fe, New Mexico, show that Section 13, T. 13 N., R. 11 W., N.M.P.M., was patented to the Atlantic & Pacific Railroad on March 3, 1893, and was reconveyed to the United States by the Santa Fe Pacific Railroad on February 3, 1933. The reconveyance was under authority of the Act of March 3, 1921 (41 Stat. 1225, 1239). The regulations implementing this statute are contained in General Land Office Circular No. 850, issued September 19, 1922, by the Secretary of the Interior. The circular contains the following language: "Any land relinquished to the United States under these regulations, which tracts would ordinarily become subject to entry under the public land laws, shall be withheld from all forms of disposal until further specific action is taken to make the said lands subject to settlement, or entry, or to any form of disposal, and until otherwise directed, the local land officers will not allow any entry or application for such lands." These regulations were reiterated in Circular 1284, dated August 3, 1932, and now appear in Title 43, C.F.R., sec. 149.1.

Department of the Interior Order of July 8, 1931, had withdrawn all of T. 13 N., R. 11 W., N.M.P.M., from all forms of disposal in aid of legislation. Upon acceptance by the United States of the title from the Santa Fe Pacific Railroad in 1933, the terms of the 1931 withdrawal order immediately attached to the reconveyed land, including Section 13.

Department of the Interior Order of September 1, 1939, superseded the Departmental Order of July 8, 1931, and withdrew the reconveyed lands in T. 13 N., R. 11 W., N.M.P.M., in aid of legislation to adjust Navajo Indian land matters in New Mexico. This order of withdrawal is still in effect.

It thus appears that the land in Section 13, T. 13 N., R. 11 W., N.M.P.M., has not been open for location of claims under the United States Mining Laws at any time since the Santa Fe Pacific Railroad reconveyed such land to the United States on February 3, 1933.

The contention of Contestee Bibb that the Bureau of Land Management and the General Land Office had treated the subject lands as public domain is without merit. The lands were managed as withdrawn Federal lands, being different from the vacant unwithdrawn public domain, within a Grazing District established pursuant to the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269). Section 13, T. 13 N., R. 11 W., N.M.P.M., is Federal land acquired by reconveyance under the Act of March 3, 1921, and as such is and has been since February 3, 1933, wholly under the jurisdiction of the Secretary of the Interior, to withdraw for one or more purposes consonant with his authority.

Accordingly, the Haystack Mining Claims 1 through 12, Haystack Mining Claims 1 through 20, Snow Flake Mining Claims 1 and 2, Hillside Mining Claims Nos. 1, 2, and 3, North Star Mining Claims Nos. 1 through 12, and Cornpatch Mining Claims Nos. 1 through 6, are hereby declared null and void ab initio for the reason that the land involved and embraced in each mining claim was not, on date of purported location, open to mining entry.

Right of appeal to the Director, Bureau of Land Management, from this decision is allowed for a period of 30 days from receipt hereof. If appeal is taken, it must be filed in duplicate in this office, and be accompanied by a \$5.00 filing fee. Strict compliance with 43 C.F.R. 221.1 through 5, and all other pertinent sections of the Rules of Practice will be required. See the attached instruction sheet.

This action does not in any way attempt to rule on the mineral character of the lands involved. It is based solely on the existing withdrawal of the land, and the law and regulations which permitted the reconveyance of the land to the United States.


Douglas E. Henriques
Manager

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Frank H. MacPherson, Manager
Colorado Raw Materials Office

FROM : P. B. Martin, Attorney, Colorado
Raw Materials Office

SUBJECT: TRESPASS CASES

SYMBOL: CC:JXC

DATE: March 20, 1952

From time to time instances arise where an individual, in good faith locates a mining claim on and extracts ore from Commission-*cc: See* owned land, or on public lands withdrawn from appropriation and reserved for the use of the Commission, or on patented lands in which the minerals have been reserved for the use of the Commission. Such action is a trespass which makes the trespasser liable for damages to the Commission. The measure of damages to be applied in such cases, in accordance with the decision of the Supreme Court of the United States in the case of *Nason et al. v. United States* (260 U.S. 545, 67 L.ed. 396), will be the measure of damages prescribed by the laws of the state in which the trespass is committed (43 CFR Part 288). It is a general rule, however, that one who "willfully" or "in bad faith" trespasses on the land of another, and removes minerals, is liable to the owner for their full value computed as of the time the trespasser converted them to his own use, by sale or otherwise, but that an "innocent" trespasser, who has acted "in good faith", may deduct from such value the expenses of extraction. *United States v. State of Wyoming et al.* (331 U.S. 440, 91 L.ed. 1590). Such is the rule in Colorado. The measure of damages under Utah law is as above for "innocent" trespass (reasonable expense allowed), but the "willful" trespasser is "liable to the owners of such ore for three times the value thereof without any deductions, either for labor bestowed or expenses incurred in removing, transporting, selling or preparing said ore, or its mineral content for market." Title 55, Chap. 1, Sec. 12, Utah Code Annotated 1943. The regulations of the Bureau of Land Management provide that for ore trespass in a state where there is no state law governing such trespass the measure of damages for "innocent" trespass is the value of the ore in place before severance, and for "willful" trespass, the full value of the ore at the time of conversion without deduction for labor bestowed or expense incurred in removing and marketing the ore. 43 CFR 288.4, 288.6. A number of cases involving coal trespass in Pennsylvania and Kentucky have held that in "innocent" trespass, the measure of damages would be a reasonable royalty, particularly in cases involving a lessor whose lessee extracted the ore. *Morrison's Mining Rights*, 16th ed., pages 456-7.

O. M. - 5

M. B. Martin, Atty. - See 17

Frank L. MacPherson,

-2-

March 20, 1952

As a general rule, the Commission's mining leases provide for a 15 per cent royalty which, inter alia, is based upon the estimated reserves in the lease block. However, the cost per ton for initial production is greater than the average cost per ton of the whole operation. Thus, by using 15 per cent of the amount received from the sale of the ore, a reasonable approximation of the value of the ore less extraction costs (the measure of damage in "innocent" trespass), will be achieved. This procedure is recommended as following the general rule as set forth above.

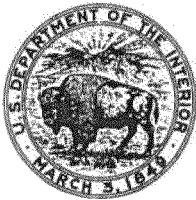
Following this procedure, I have attached for your signature two letters to parties who have "innocently" located claims on withdrawn land and extracted ore therefrom.

Attachments:

1. Ltr to Fred Peterson dtd 3/20/52
2. Ltr to Van Bran Mining Co. dtd 3/20/52

CC: Mining Committee, OSM
S. P. Sullivan

FROM: Bureau of Land Management Santa Fe, NM		DATE OF DOCUMENT: 5/28/59		DATE RECEIVED 6/1		NO.: 1905			
TO: GJ Jones		LTR. <input checked="" type="checkbox"/>		MEMO:		REPORT:		OTHER:	
		ORIG.:		CC:		OTHER:			
		REPLY NECESSARY <input type="checkbox"/>		DATE ANSWERED:		BY:			
CLASSIFICATION: un		POST OFFICE REG. NO.:		FILE CODE: A-238 - A. V. P. C. G.					
DESCRIPTION: (Must Be Unclassified) Trans report re investigation of Haystack No 2 mining claim trespass		REFERRED TO		DATE		RECEIVED BY		DA	
		Manager		6/1		E. G. G.			
ENCLOSURES: report as above		Counsel				J. G. G.			
		P. G. G.							
		T. G. G.							
		R. G. G.							
REMARKS:				6/3					



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

State Office
P. O. Box 1251
Santa Fe, New Mexico

IN REPLY REFER TO:

I&M:NM-Misc. 56

May 28, 1959

Allan E. Jones, Manager
Grand Junction Operations Office
Atomic Energy Commission
Grand Junction, Colorado

Dear Mr. Jones:

In my letter of March 2, re: trespass mining, Section 13, T. 13 N., R. 11 W., N.M.P.M., Arthur Bibb (NM-Misc. 560), I stated that we would furnish you with a copy of our report, which was to be prepared in connection with our investigation of the Haystack No. 2 mining claim trespass. The investigation has been completed, and I am enclosing a copy of the report for your information.

If we may be of any further assistance to you in this matter, please let us know.

Sincerely yours,

E. R. Smith
State Supervisor

By *Eugene L. Brown*
Acting

Enclosure

Form 4-802
(February 1958)

Serial Number
NM Misc. 560

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Area 3

New Mexico State Office

MINERAL REPORT

Haystack No. 2 Mining Claim
Arthur Bibb

(Title)

LANDS INVOLVED

T. 13 N., R. 11 W., N.M.P.M., McKinley County,
New Mexico

Sec. 13 - S.E. $\frac{1}{4}$

Approximately 20.6 acres

MAY 27 1959

(Date)

By

Approved

Ernest L. Brown

GPO 853247

In response to a letter from Allan E. Jones, Manager, Atomic Energy Commission, Grand Junction, Colorado, dated February 19, 1959 to the New Mexico State Supervisor, Bureau of Land Management, Santa Fe, New Mexico, and the reply of the New Mexico State Supervisor dated March 2, 1959 to the Atomic Energy Commission regarding matter under above designation, the following is a report on the report referred to therein.

The subject lands are situated in a mesa which adjoins the south slope of Haystack Mountain in the Bluewater-Grants-Ambrosia Lake uranium district, about five miles east of Prewitt, New Mexico. They are accessible by improved roads which take off from U.S. highway no. 66 near this town.

The first reported discovery of uranium-bearing material was made on this mesa at Haystack Mountain by a Navajo Indian named Paddy Martinez in the spring of 1950. This discovery was made on land owned by the A.T. & S.F. Railroad, which company commenced a concerted exploratory program of the area the summer of that year. Exploration soon showed that uranium deposits occurred in a number of places on the mesa, one of which included the subject lands.

R. H. Lovald shows in his report, N.M. 010206, Atomic Energy Commission, Mineral Withdrawal, that mining locations were filed on the adjoining lands which were thought to be in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 11 of this same township and range as early as April 4, 1945, which preceded Paddy Martinez's discovery of uranium. The Haystack group of mining claims was originally located on November 26, 1950, several months after Martinez's discovery of uranium, and was situated in the S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 13 (Haystack #2 claim, situated in the SE $\frac{1}{4}$ comprising the subject lands), see figures 2 and 3. This group of mining claims, Haystack #1-#20, was subject to a number of conveyances and conflicts until July 21, 1954, when they were acquired by assignment by Arthur Bibo. (Note for further abstract information and data regarding these claims, see Mr. Lovald's report, identified above).

This investigation and report did not go into the history of Mr. Bibo's trespass, since such matters were handled by the AEC.

Status: T. 13 N., R. 11 W., N.M.P.M.
Section 13:

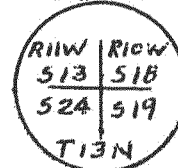
- (a) All - 640 acres - Selected List 6, June 23, 1890, A & P R.R. Co., Act of June 27, 1866. Approved List 4, March 3, 1893, Pat. March 13, 1893.

- (b) $S\frac{1}{2}N\frac{1}{2}$ and $SE\frac{1}{4}$ - Reconveyed to U. S. by Santa Fe and Pacific Railroad by deed. Acknowledged 4-29-3, under Act of 3-3-21. Recorded 2-3-34, accepted. See "K" 12-19-33, under 065068.
- (c) $S\frac{1}{2}N\frac{1}{2}$ and $SE\frac{1}{4}$ - W/d Appl. #010206 - withdrawn by P.L.O. No. 964 dated 5-13-54 for use by AEC.
- (d) $N\frac{1}{2}N\frac{1}{2}$ - I.A. #077411, Walter Vandever, approved for patent "K" December 14, 1944, Pat. 2-9-45, Trust Pat. #1119452.

On March 10, 1956 the undersigned contacted Mr. Gay, Mining Engineer, Atomic Energy Commission, Milan, New Mexico in order to conduct investigation of the subject mining claim. Mr. Gay, with his knowledge of and familiarity with the area and case, volunteered to accompany the examiner on the field investigation, which offer was accepted.

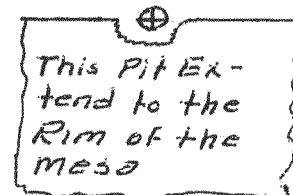
REPORT OF PRELIMINARY EXAMINATION OF HAYSTACK #2 MINING CLAIM

The corner common, a brass cap



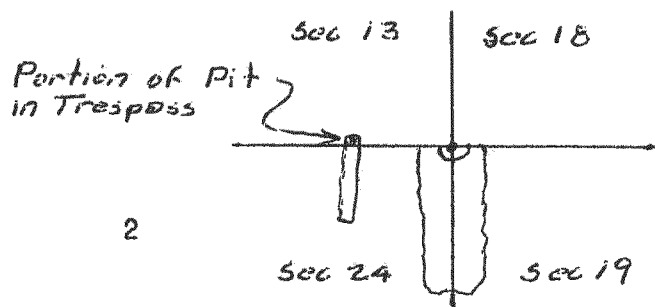
was

located, after a short search. It was attached to a two-inch pipe and from all appearances had never or not been disturbed from its original setting. It was solidly imbedded in the ground, with a rock pile 2' x 2' x 18" high along the west side. Mining operations had excavated a pit to within 10' along the south side --



but had not disturbed the corner.

There were no mining operations conducted on Section 13 through this pit. From this section corner it was .15 to .20 of a mile (by speedometer) to the pit on Haystack #2 claim which is located in Section 13. This pit straddled the line between Sec. 13 and 24, T. 13 N., R. 11 W., N.M.P.M., figures 2 and 3.



That portion of the pit in Sec. 13 and which is involved in trespass was about 40 feet in diameter and about 15 feet deep. However, the pay stretch was only about 2' - 4' thick. (Mr. Gay thought that about 150 - 200 tons of ore had been extracted from this portion of the pit in trespass). The ore contains chiefly the yellow mineral tyuyamunite, which occurs mainly in the Todilto formation but in places soaked into the overlying Summerville and underlying Entrada formations. The grade of the ore is of commercial quality and a significant quantity still remains on Sec. 13. There is no mining or associated activity being conducted on this mining claim at present, nor is it otherwise occupied.

No evidence of BLM - S&M or range improvement projects was observed on the SE $\frac{1}{4}$ of Sec. 13. However, a report from the Farmington District Office (this land is administered by Albuquerque District Office for the Farmington District) stated that they did not have this 160 acres (SE $\frac{1}{4}$) allotted for grazing (status shows this land to be public domain). This report also showed no range improvement or cooperative projects of record.

This investigation showed conclusively that trespass had been committed on Haystack No. 2 Mining Claim situated in the SE $\frac{1}{4}$ Sec. 13, T. 13 N., R. 11 W., N.M.P.M., and such knowledge and details are known by the Atomic Energy Commission, and reportedly by the offender, Arthur Bibb, also.

The undersigned has no information nor was anything learned by the field investigator that would be contrary to the substance of the letter dated February 9, 1959 from Director Edward Woolley, to Mr. Elton A. Youngberg, Acting Manager, Grand Junction Operations Office, United States Atomic Energy Commission, Grand Junction, Colorado.

It is recommended that the Atomic Energy Commission act in accordance with Mr. Woolley's letter and undertake the matter of recovery of trespass damages; also that the Bureau of Land Management make available any assistance which may be desired by the Atomic Energy Commission.

Charles R. Garrett, Jr.
Charles R. Garrett, Jr.
Valuation Engineer, Mining

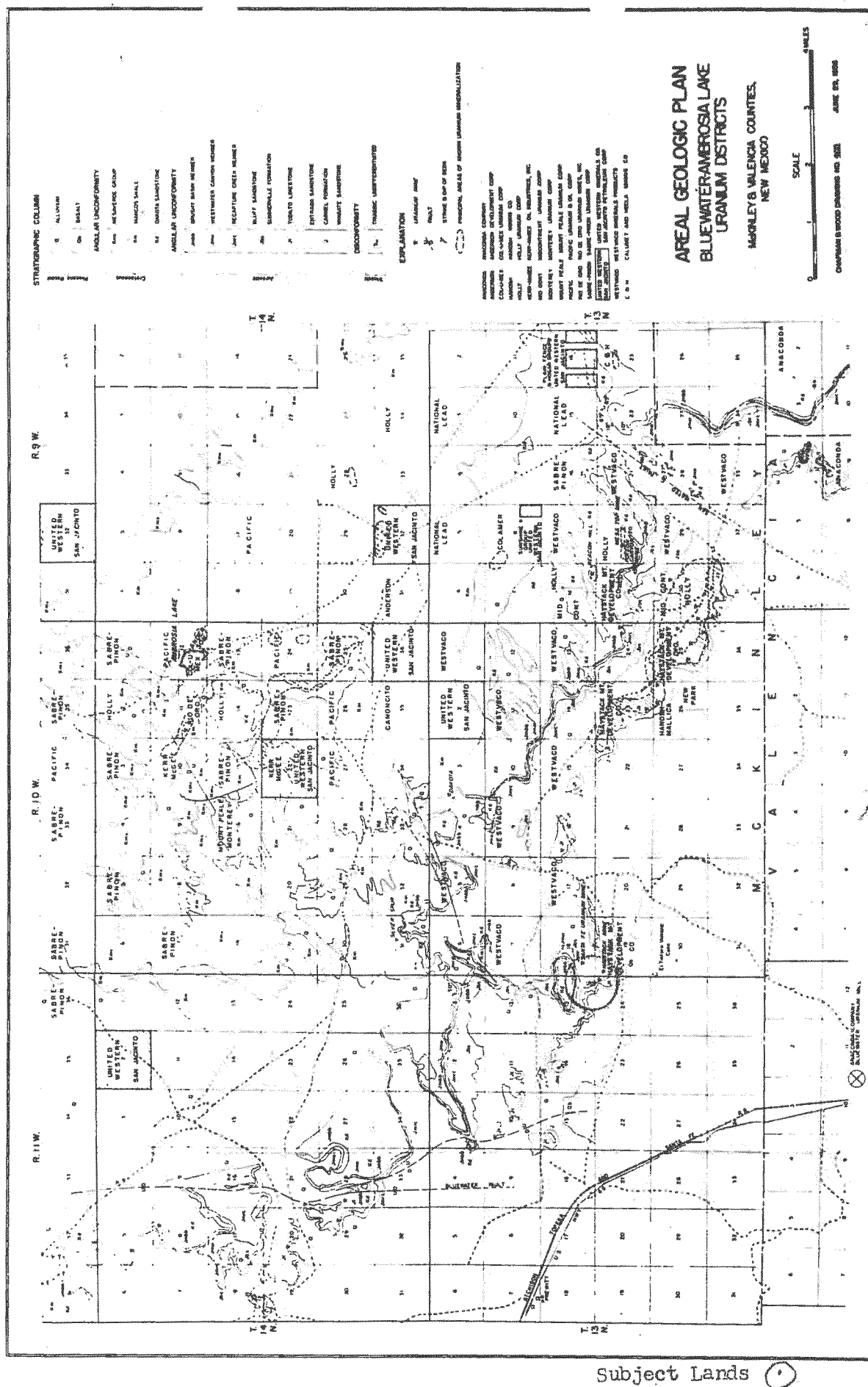
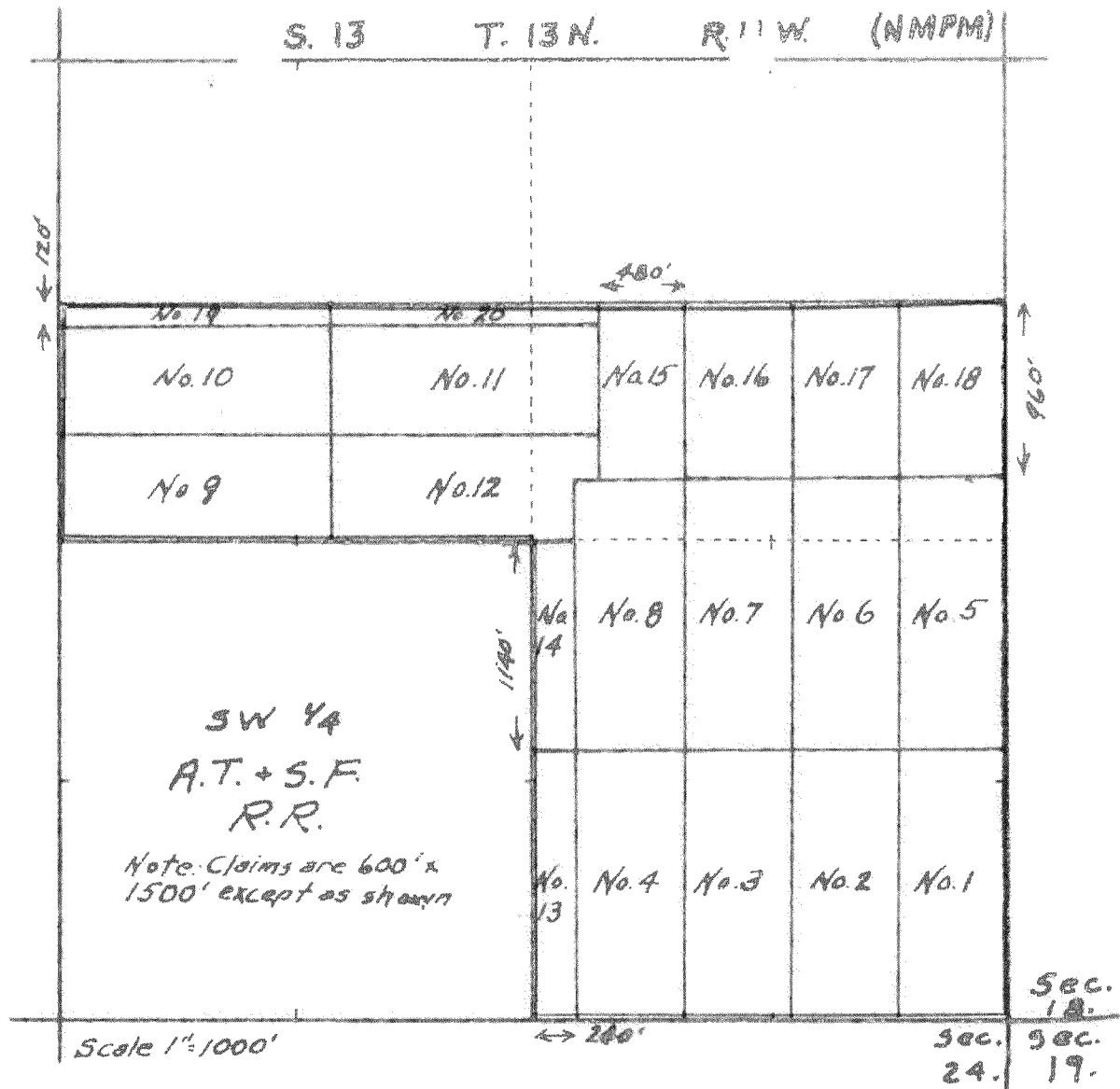


FIGURE 1.

Subject Lands ①

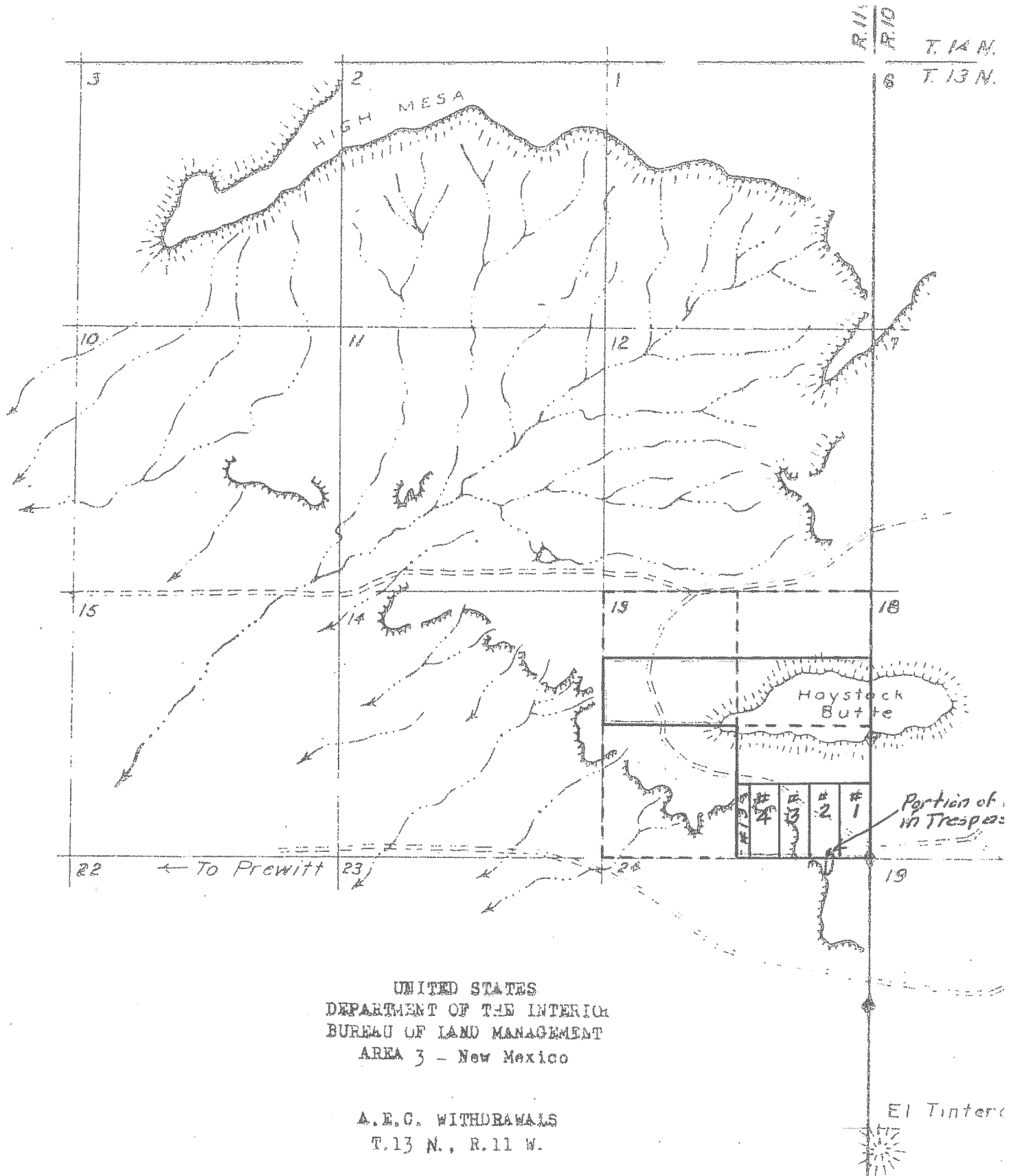


HAYSTACK MINING CLAIMS Nos. 1 to 20

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
AREA 3 - NEW MEXICO

Copied & Traced 4-8-59 From Print of Original
11-16-55 CRG

FIGURE 2.



HAYSTACK No.s. 1 - 20 Mining Claims

11-16-55

FIGURE 3.

November 17, 1958
BLM Decision

OAGC:JX

December 6, 1956

Mr. Arthur Bibo
Box 296
Grants, New Mexico

Dear Mr. Bibo:

This letter is written in response to your letter of November 26, 1956, making application for a contract to haul Todilto limestone ore from the Haystack No. 2 claim to the AEC receiving station at Grants, New Mexico, and submitting an application under our Circular 6 for certification of the Haystack group of claims.

By decision dated November 21, 1956, in Contest NM #30, et al, the Manager of the Land Office, Bureau of Land Management, Santa Fe, declared the Haystack mining claims 1 through 20 and Haystack mining claims 1 through 12 null and void ab initio for the reason that the land involved and embraced in each mining claim was not, on the date of purported location, open to mining entry. We note that this decision is subject to the right of appeal to the Director of the Bureau of Land Management within a period of thirty days from its receipt by the contestees.

In view of this decision, it must be concluded that you lack mining rights as to this land which is reserved for the use of the Atomic Energy Commission under P.L.O. 964, and consequently your application for a contract is denied. As one of the criteria for certification is "lawful possession of mining rights" your application under Circular 6 is also denied. Both of these actions are without prejudice to your right to reapply should a final determination by the Secretary of the Interior or the Federal courts be in favor of the validity of the Haystack claims. Moreover, settlement for ores previously shipped by you must also await such final determination.

Very truly yours,

David D. Baker, Director
Mining Division

cc: Ore Procurement Branch, MD
Leasing & Development Branch, MD
I. M. Gay, MD
Douglas Henriques, Manager
New Mexico Office, P. O. 1251
Santa Fe, New Mexico

D-238

AGC:JEC

May 6, 1957

Mr. Arthur Bibo
P. O. Box 296
Grants, New Mexico

Dear Mr. Bibo:

During your discussions here in Grand Junction, Thursday, May 2, 1957 with Assistant General Counsel Paul B. Martin and Attorney John X. Combo of this Operations Office, you requested that you be advised as to the weights and assays of the ore shipped by you from the Haystack No. 2 claim on November 26, 1956, to the Commission's contractor, Lucius Pitkin, Inc. at the Grants buying station. We previously have advised you by letter dated December 6, 1956, that settlement for such ores must await final determination by the Secretary of the Interior or the Federal courts as to the validity of the Haystack group of claims which were held null and void by the Manager of the BLM Land Office in Santa Fe November 21, 1956, in contest NM #30 et al. In accordance with your request, the following information is submitted:

Liquidation No. 2425, Lot No. 199, 83,170 pounds wet weight (41.5850 short tons) and 80,412 pounds dry weight (40.2060 short tons), with assays of 0.16% U_3O_8 (128.66 pounds), 0.12% V_2O_5 (96 pounds) and 41% $CaCO_3$. Under buying schedules in effect at that time the amount being withheld pending final determination, as set forth above, is \$456.62.

The amount being withheld from ore shipped by you from the same claim on November 18, 1955, and listed on Lucius Pitkin Liquidation No. 1072, Lot No. 11, weights and assays of which were provided you by our letter of August 8, 1956, is in the amount of \$299.63.

Very truly yours,

David D. Baker, Director
Mining Division

cc: Ore Procurement Branch, MD
Leasing & Development Branch, MD, ✓

I. M. Gay, MD
Lucius Pitkin, Inc.

037EC

U. S. ATOMIC ENERGY COMMISSION

APPLICATION FOR CERTIFICATION OF MINING PROPERTY

In accordance with Atomic Energy Commission Domestic Uranium Program Circular 6
(Assistance in filling out this form will be available at the U. S. Atomic
Energy Commission's office in Grand Junction, Colo.)

Area 5
B.d.O.
1493

Name of applicant ARTHUR BIBO AEC License No. P-285I

Address Box 296 Grants, New Mexico

I hereby request that the following described mining property be certified as eligible for bonus payments under Domestic Uranium Circular 6.

1. Name of mining property (Haystack Claims I to 20 inclusive)

2. Name of owner Arthur Bibo
(Indicate whether Corporation, Partnership, Individual)

3. Interest of applicant Owner
(Owner or Lessee—if other, specify)

4. Description of mining property: (If more space is required use blank space below.)

a. Mining district Mt. Taylor Mining District or Haystack Mining Dist.

b. Size of property 320 acres

c. Number and names of claims included in this property Twenty Haystack Claims
in SE¼ and S½N½ Sec. 13; Twp. 13 N; Rge. II W: N.M.P.M. McKinley Co.,
New Mexico.

d. Property is of public record as follows:

DATE OF RECORD	COUNTY	STATE	BOOK NO.	PAGE NO.
Nov. 27, 1950	McKinley	New Mexico	Bk M-10	256-263
Apr. 3, 1951	"	"	Bk MCR-3	137
Apr. 20, 1951	"	"	Bk QCD-6	378
Apr. 20, 1951	"	"	Bk QCD-6	377
Dec. 5, 1951	"	"	Bk QCD-6	377-78 filed
		in	Bk Lease 7	74
Dec. 5, 1951	"	"	Bk " 7	78
May. 11, 1951	"	"	Bk MCR-3	251
Mar. 6, 1952	"	"	Bk M-II	251
May. 1, 1952	"	"	Bk MCR-4	24-34
June 13, 1952	"	"	Bk M-10	437
Aug. 3, 1954	"	"	Bk 9 Lease	231
Aug. 3, 1954	"	"	Bk 9 Lease	232
Nov. 9, 1956	"	"	Bk QCD-7	571
Nov. 9, 1956	"	"	Bk QCD-7	572

e. Title to property is patented or unpatented? (State which.) Unpatented

f. Description of location of property for verification by mining branch of Colorado Raw Materials Office, Atomic Energy Commission.

SE¼; S½N½ Sec. 13 Twp. 13 North; Rge II West. N.M.P.M.
McKinley County, New Mexico.

APPLICATION FOR CERTIFICATION OF MINING PROPERTY—Continued

5. Ore accepted by commission ore-buying stations or qualified uranium mills (or any other uranium ore processing plants) from property between April 9, 1948 and February 28, 1951 inclusive:

ACCEPTED BY	AT	NAME OF PROPERTY IF OTHER THAN PRESENT NAME	NAME OF OPERATOR IF OTHER THAN PRESENT OPERATOR	APPROXIMATE PERIOD		ORE-DRY TONS	POUNDS U ₃ O ₈ CONT.
				FROM MO. YR.	TO MO. YR.		
Anaconda Mining Co.		XXXXXX Bluewater, N.M.		Nov. II, 1955		II+	10.31%
						(22,370#)	
Lucius Pitkin Inc.		AEC Receiving Station		Nov. I9, 1956		I8+	
		Grants, New Mexico				(37,790#)	
				Nov. 26, 1956		22.69	
						(45,380#)	
		No ore between April 9, 1948 & Feb. 28, 1951					
Total number of pounds U ₃ O ₈							

I certify to the best of my knowledge that (1) the statements in this application are true and that (2) the total quantity of uranium oxide as contained in ore accepted by commission ore-buying stations or qualified uranium mills (or any other uranium ore processing plants) from the above described property between April 9, 1948 and February 28, 1951 inclusive, is less than 10,000 pounds.

Nov. 20, 1956
(Date)

Arthur Bibo
(Signature of applicant)

Misrepresentations or false statements in the application may subject the applicant to criminal penalties, under provisions of the United States Code including section 1001 of title 18. Any such offense may also disqualify the offender from receiving bonus payments.

(When completed mail to U. S. Atomic Energy Commission, Colorado Raw Materials Office, P. O. Box 270, Grand Junction, Colo.)

16-67545-2 U. S. GOVERNMENT PRINTING OFFICE

SPACE BELOW FOR USE BY APPLICANT, IF NECESSARY

There has been correspondence with your office at various times since July 1954 either from me direct or from my counsel, Mr. Oliver Seth in Santa Fe and I am sure the Bureau of Land Management and your office have a more complete record of the claims here referred to, than this application necessitates. For your added information I have shown here the last two recordings of conveyances to me, recorded at the McKinley Co., court house. I had previously advised the Bureau of Land Management of these deeds tho they had not been recorded.

Arthur Bibo

UNITED STATES
ATOMIC ENERGY COMMISSION
GRAND JUNCTION OPERATIONS OFFICE
GRAND JUNCTION, COLORADO

IN REPLY REFER TO:

MD:MVH

November 29, 1956

Mr. Arthur Bibo
Box 296
Grants, New Mexico

Re: RETURN OF YOUR APPLICATION FOR CERTIFICATION FOR LACK OF
SUFFICIENT INFORMATION

Dear Mr. Bibo:

Your application is herewith returned to you for completion of the abstract of the public record as requested in Item 8 of the Supplemental Information sheet (2 enclosed). This abstract should be complete, including all recorded instruments as well as any not recorded which effect your possession of the property. The purpose of the abstract is to absolutely establish your right to mine the property. Any documents which you elect to send to us will be returned upon request.

Because of the large amount of correspondence that we receive here in different departments, it is necessary to keep files concerning certification separate, and transferring or removing material from one file to put in another usually results in confusion and sometimes loss of important documents. It is for this reason that we must often request additional information even though it might be here already in another department. We regret this delay, but under the circumstances it cannot be helped.

Very truly yours,

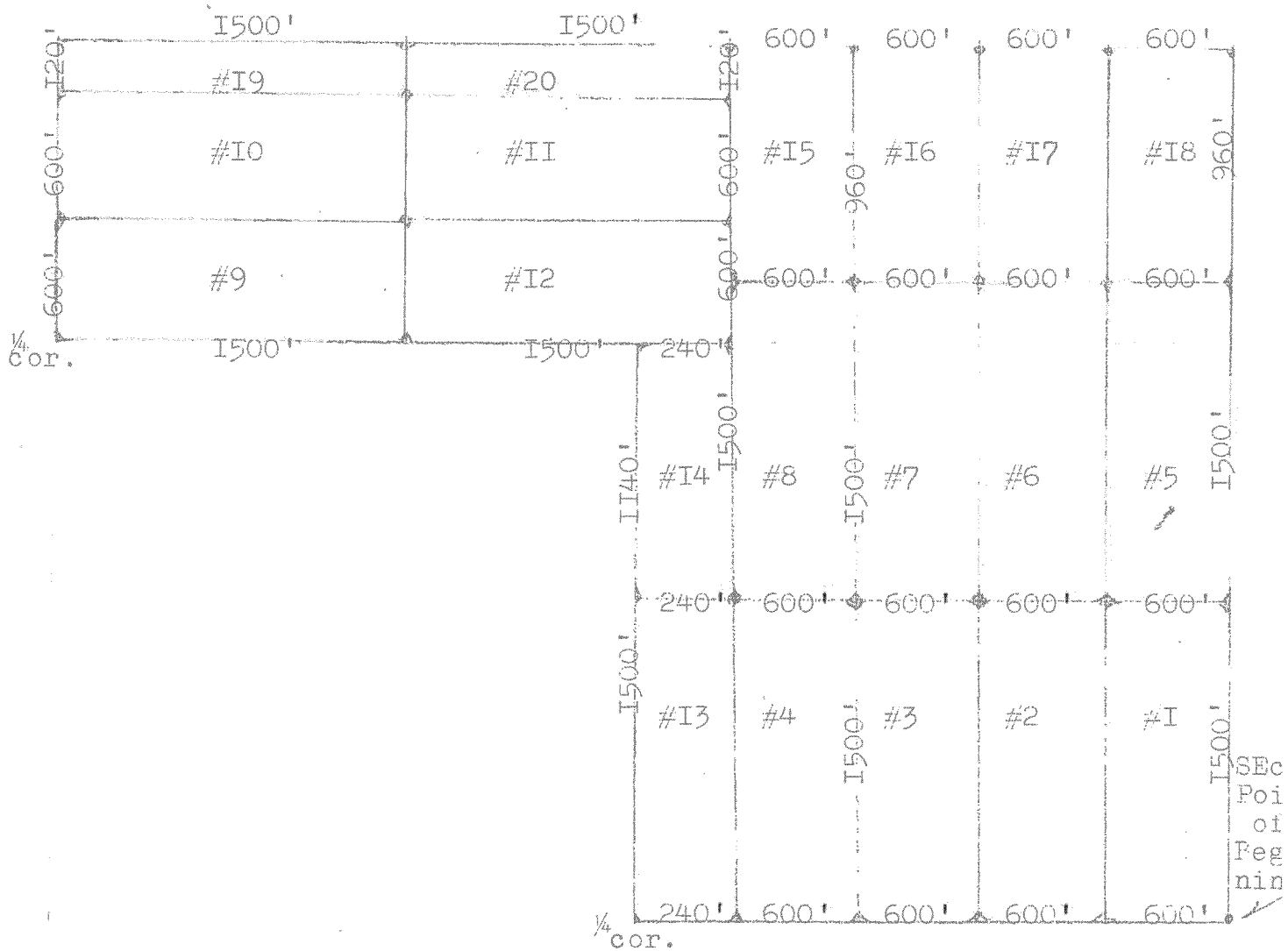
native

R. H. Toole, Chief
Leasing & Development Branch
Mining Division

Enclosures:
As stated

NORTH

Drawing of HAYSTACK CLAIMS 1-20 Incl.
 Sec.13 Twp.13 North Rge.II West NMPM.
 McKinley County, New Mexico
 Filed May 11,1951 & Refiled May 1,1952



MD:ASJT

November 30, 1956

Mr. Arthur Bibb
Box 296
Grants, New Mexico

Re: APPLICATION FOR CERTIFICATION OF HAYSTACK CLAIMS (NO. 149

Dear Mr. Bibb:

Haystack Claims, Grants Mining District,
McKinley County, New Mexico.

RECEIVED
NOV 30 1956
BUREAU OF LANDS
WASHINGTON, D. C.

Records in the National Archives & Records
Administration, Rocky Mountain Region
Archival Operations

RG No. 434 Records of the
Department of Energy
Certification Bonus Case Files, 1950-60
NRG-434-99-207
(434-95-0081)
File: D-238